

Election/Restriction

The present Office Action includes a restriction requirement between claims 1-60 for a “urethral suppository device” (Group I), claims 61-64 for a “method for delivering a therapeutic agent” (Group II), and claims 65-72 for a “method of manufacturing a urethral suppository.” For purposes of responding to this restriction, Applicants elect claims 1-60 (Group I) for further prosecution at this time. This election is made with traverse.

Amendment

Kindly amend the above-identified patent application, without prejudice, as follows:

In the Claims:

Amend claim 61 as follows. A “marked-up” version of amended claim 61, illustrating changes relative to the previous version of that claim, is included as Appendix A hereto in accordance with 37 C.F.R. § 1.121(c)(1)(ii).

- JWC*
- A*
61. (Once Amended) A method for delivering one or more therapeutic agents to the female urinary tract, said method comprising the steps of:
- inserting the suppository of claims 1 or 33 into the urethra of a female patient;
 - waiting a sufficient period for said suppository to deliver one or more therapeutic agents to said urinary tract; and
 - removing the non-meltable reinforcement from the urethra.

Remarks

Claims 1 and 33 of Group I are directed to a “urethral suppository for insertion into a female urethra.” Claim 61 of Group II is directed to (as amended) a “method for delivering ... therapeutic agents ... comprising ... inserting the suppository of claims 1 or 33 into the urethra of a female.”

The Examiner alleged that Groups I and II are distinct because “the product as claimed can be used in a materially different process of using that product, such as administering medicinal agent in a part of a patient’s body other than the uretha.” Thus, the Examiner implies